

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

ALEX KONTOS FRUIT CO., INC.,

Plaintiff,

v.

DOUG SPECIALTIES LLC, and DOUGLAS
J. HABE, each individually,

Defendants.

Case No. 23-cv-62431-RAR

RULE 41 VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Alex Kontos Fruit Co., Inc., (“*Plaintiff*”), by and through undersigned counsel, hereby gives notice, pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, of the voluntary dismissal of this action without prejudice, of the above styled action and advises the Court that the parties have resolved and otherwise settled this action with each party bearing its own fees and costs. Accordingly, the Court may immediately dismiss the above styled civil action against all defendants without prejudice.

Dated February 12, 2024

Respectfully Submitted,

By: /s/ Gregory M. Ohl
GREGORY M. OHL

COLEMAN TALLEY LLP
Mark A. Gilbert, Esq
Florida Bar No. 1013517
1 Independence Drive, Ste 3130
Jacksonville, FL 32202
Telephone: (904) 456-8949
Facsimile: (229) 333-0885
E-mail: mark.gilbert@colemantalley.com
Gregory M. Ohl, Esq.
Florida Bar No. 1039100
Telephone: (904) 456-8938
Email: gregory.ohl@colemantalley.com
Counsel for Alex Kontos Fruit Co., Inc.

KLINOWSKI DAMIANO LLP

Jason R. Klinowski, Esq.

Alabama Bar No. asb-3856-t61s

Pro Hac Vice

V. Walker Wells, Esq.

Alabama Bar No. asb-0509-n72w

Pro Hac Vice

P.O. Box 43404

Birmingham, Alabama 35243

Tel: (205) 644-8881

Fax: (205) 644-8489

E-mail: jklinowski@aglawyer.com

vwells@aglawyer.com

Counsel for Alex Kontos Fruit Co., Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Rule 41 Voluntary Dismissal Without Prejudice was served with the Clerk of Court using the Court's ECF system and upon all counsel of record this 12th day of February 2024.

Dated: February 12, 2024

Respectfully, submitted,

By: /s/ Gregory M. Ohl

COLEMAN TALLEY LLP
Mark A. Gilbert, Esq
Florida Bar No. 1013517
1 Independent Drive, Ste 3130
Jacksonville, FL 32202
Telephone: (904) 456-8949
Facsimile: (229) 333-0885
E-mail: mark.gilbert@colemantalley.com
Gregory M. Ohl, Esq.
Florida Bar No. 1039100
Telephone: (904) 456-8938
Email: gregory.ohl@colemantalley.com
Counsel for Alex Kontos Fruit Co., Inc.